

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 29-56 are currently pending. No new matter has been introduced. Support for this amendment is provided throughout the Specification. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. DISCUSSION

The specification has been amended at Page 10, last line, to correct a numerical error.

Claims 29-56 are pending in this application. Claims 1-28 are hereby canceled without prejudice or disclaimer of subject matter.

Previous independent claims 1 and 16 from which previous dependent claims 2-15 and 17-25, respectively, depend were rejected under 35 U.S.C. 112 as being indefinite and being prolix for reasons provided in the Office Action. By this amendment these claims have been rewritten to overcome both informalities, and thus their rejection under 35 U.S.C. 112 while retaining those limitations which were indicated as probably containing allowable subject matter, by the Examiner.

Specifically, claim 1, rewritten as claim 29, recites interlock structures on rectangular support edges to comprise first and second sets of adjacent male interlocks projecting from their respective support edges in longitudinally spaced-apart relationships. The claimed second male interlock wall with its respective inner and outer sidewalls traverses the support edge to a position opposite a first male interlock to form an open-ended channel for mating with an inverted one of other second male interlock walls of another substantially identical tile. Claim 29 additionally calls for the inner disposed sidewall of the second male interlock, by way of its successive traversals of the support edge, to form an interior wall portion for an open-ended cavity sized and shaped to mate with an inverted first male interlock for reasons set forth therein.

It is respectfully submitted that claim 29 overcomes both of the rejections under 35 U.S.C. 112 and its allowance is respectfully solicited.

New dependent claims 31-35, corresponding to previous claims 3-7, and new claims 38, 39 and 42, corresponding to previous claims 10, 11 and 14, have been presented to overcome objections based upon lack of a proper antecedent basis. For example, claim 31 (corresponding to previous claim 3), recites the tile to have a “quadrilateral shape with two pairs of support edges” with one of said pairs and the top surface of the tile covered by a decorative layer.

New claim 32 (corresponding to previous claim 4) depends from base claim 29 and recites that the channel is comprised of a “pair of diverging channel sections” joined to form the continuous channel. Additionally, the channel is now recited as having a “substantially U cross-sectional shape around part of the first male interlock” so as to overcome any issue as to whether or not the claim is clear and unambiguous with proper antecedent basis in claim 29.

New claim 33 (corresponding to previous claim 5) specifies that the outer sidewall of each of the second male interlocks is “curved whereby its traversal of its respective support edge has an alternating configuration in plan view”. It is submitted that this claim also avoids any rejection on 35 U.S.C. 112.

New claim 34 (corresponding to previous claim 6) calls for each of the second male interlocks to be comprised of a “projecting rib of substantially rectangular cross-section” with its sidewalls in “substantially parallel relationship to one another”. As thereby amended, the structure of the second male interlock is believed to be clear and unambiguous.

New claim 35 (corresponding to previous claim 7) specifies that each first male interlock is a “multi-sided lug”.

New claim 38 (corresponding to previous claim 10) includes an added description of the claimed “second rib” as an element that extends “adjacent and substantially parallel” to the “inner edge of its respective support for completing the sidewall enclosure of said cavity”. As rewritten, it is submitted that this claim is definite with proper antecedents and in condition for allowance.

New claim 40 (corresponding to previous claim 12) depends from claim 39 and specifies that there are a pair of lugs adjacent the tile corners of one pair of the support lug and that these are inverted relative to one another and are mounted with wider spaced apart juxtaposed relationship those lugs mounted therebetween. This arrangement facilitates the initial interlocking of adjacent tiles, as the instance specification describes.

New claim 42 (corresponding to previous claim 14), depending from claim 41, specifies that there are a pair of inverted cavities located at opposite ends of another pair of said support edges and separated by a previously claimed “rib” of width substantially equal to the

greater channel width between the end lug pairs, as called for by claim 41 from which claim 42 depends. As presented, it is submitted that claim 42 is definite with proper antecedents and in condition for allowance.

Previous claim 16 has also been presented as new claim 44 to overcome the Examiner's objections that the claim contains prolix and lacks antecedent support for its claimed limitations.

To overcome these rejections under 35 U.S.C. 112, claim 44 is presented and specifies the "first and second walled structures" with greater particularity as "successively" traversing their support edge between their respective inner and outer edge portions thereof. Additionally, new claim 44 calls for the outer sidewall to extend opposite one of a first walled structure in laterally spaced relationship to form the open-ended channel. The inner sidewall's traversals forms an open-ended cavity interior wall portion for the purpose described therein of providing non-adhesive connections with other tiles. It is believed that this claim avoids any rejection under 35 U.S.C. 112.

New claim 47 (corresponding to previous claim 19) calls for the inversion of the pair of claimed first interlock structures adjacent a corner of the tile as being inverted relative to each other.

New claim 53 (corresponding to previous claim 25) describes the "basewall" of the second walled structures as creating one of the three adjoining walls that form one of the cavities with a generally triangular shape in plane view. This amended description of the sidewalls that form a cavity is additionally limitative, but is submitted to more specifically claim the structure of the claimed "cavity".

III. REJECTIONS UNDER 35 U.S.C. 102(b)

Previous claims 26-28 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Austin (U.S. Patent No. 5,630,304).

In making this rejection, the Examiner construes each of the male connecting members 31 as two male interlock elements “A” and “B” respectively, in the attached Figure 2 from Austin, despite the fact that the patentee does not thusly characterize these members as such (column 4, lines 52 and 60). And, Austin does not teach or suggest that the purpose of having a pair of male interlock elements at one tile corner with a greater lateral spacing to facilitate interlocking connections, which is purpose for the claimed differential spacing between the interlock elements on one of the tile edges.

However, to provide a clear line of distinction between new claim 54, which corresponds to previous claim 26, and Austin, new claim 54 recites the second male interlock elements to be “multi-sided” elements along “one tile edge” and additionally calls for these elements to be “inverted with respect to each other to provide a greater interlocking tolerance to the mating with interlock elements of other tiles.” Austin neither suggests nor discloses this claimed arrangement on one edge of his tile that affords applicant with the described advantage of facilitating inter-tile connections during tile assemblage. Therefore, in view of this amendment, it is requested that the Examiner reconsider the rejection on 35 U.S.C. 102(b) and find claim 54 to be allowable.

New claims 55 and 56, depending from new claim 54, are allowable therewith as well, and additionally because there is no disclosure in Austin of two channel sections of differential width that traverse between the claimed first and second interlock elements on one

edge, as called for by claim 55 with the second interlock elements disposed adjacent opposite respective ends of the tile, as called for by claim 56.

Therefore allowance of claims 55 and 56 is also respectfully solicited.

IV. DEPENDENT CLAIMS

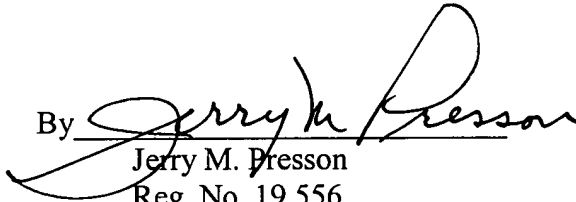
The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
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